

**Department of Mental Health
Exceptions Committee Meeting**

February 6, 2004

Minutes

In attendance were Rosie Anderson-Harper; Connie Cahalan; Julie Carel; Donna Haley; Jodi Frederick and coordinator Rich Overmann.

Nancy Howard, a private individual, requested an exception from the requirements of 9 CSR 10-5.200; she is currently listed on the DMH disqualification registry due to an administrative finding of Class I Neglect in December of 1993. The committee approved the exception without stipulations or conditions.

The Missouri Department of Health and Senior Services(DHSS) notified the committee that it has received a request from four individuals for a "good cause waiver". Each of the individuals are listed on the DMH disqualification registry and DHSS is requesting recommendations on whether the good cause waiver ought to be granted. The four individuals are Nancy Howard, Tracy Lynne Miller, Eleanor Washington and Evelyn Thompson.

- Nancy Howard. This person had also requested an exception from the Department of Mental Health. The committee granted the exception and recommended that DHSS grant a good cause waiver.
- Tracy Lynne Miller was found to have committed physical abuse in 1996 for having slapped a client in an effort to administer his medication. The committee noted mitigating circumstances surrounding the incident and recommended that DHSS grant the good cause waiver subject to the following conditions. The waiver applies only to Ms. Miller's current employment and does not apply to serving persons who have primary diagnosis of mental retardation, developmental disability or mental illness. If Ms. Miller wishes to serve persons who have these diagnoses, it will be necessary for her to reapply for a good cause waiver.
- Eleanor Washington was found to have committed physical abuse in 1997 for several incidents described as slapping, pulling hair and kicking. The committee recommended that DHSS deny a good cause waiver.
- Evelyn Thompson was found to have committed Class I Neglect in 1993 at Nevada State School and Habilitation Center for failing to administer cardiopulmonary resuscitation (CPR). The committee noted the incident happened more than ten years ago. According to the investigation report, Ms. Thompson stated that she did not give CPR because of the age and physical condition of the client. The committee recommended that that DHSS deny the good cause waiver.

Elmer Davis, a private individual requested an exception under 9 CSR 10-5.190; he is disqualified from employment due to a crime of first degree robbery in 1968. The committee first considered this request in October 2003 and requested an updated Criminal Record History. The history was received and the committee approved the exception, with the condition that it applies to ADA clients only.

Gibson Recovery Center. In a letter dated January 27, 2004, this agency requested two exceptions related to requirements for accessibility and restrooms (for each sex) under 9 CSR 10-7.120(3). The committee approved a similar request to this agency for a different site which eventually proved impracticable because of fire safety problems. The committee approved the request with the condition that it will be the responsibility of Gibson Recovery Center to arrange transportation to its Perryville office for persons who are disabled and cannot use the Marble Hill site.

Preferred Family Health Care requested an exception under 9 CSR 10-5.190 to allow Marsha Murphy to serve as a volunteer. Ms. Murphy is disqualified due to armed robbery in 1994. An exception had been previously denied because Ms. Murphy was still on probation. In early February the committee received confirmation from the Department of Corrections that Ms. Murphy had recently been released from probation. The committee approved the request with the condition that the exception apply only for services to ADA clients.

Comprehensive Health Systems, Inc. requested a renewal of an exception issued in October of 2002 which waived requirements for dishwashers and restroom ventilation. The agency explained to a member of the committee that progress in developing the site had been delayed by a pending sale of the property. The committee approved the renewal of the waiver for one year.

Reality House Programs, Inc., Columbia, requested waivers of the following requirements:

- 9 CSR 10-7.120(8) (C) relating to exit requirements;
- 9 CSR 10-7.020(4) (C) requiring clients to wear their own clothing; and
- 9 CSR 30-3.060(4)(B)1 limiting bedrooms to four residents.

The committee approved these waivers last spring. The agency subsequently withdrew its application for licensure. The agency has now reapplied for licensure and is again requesting the waivers. The committee considered the request at the meeting of December 29, 2004 but a final decision was delayed pending an inspection by the licensure and certification unit. At the meeting on February 6, 2004 the committee decided to approve the request with the condition that the exceptions apply only to the Community Shock Program.

Hannibal Council on Alcohol and Drug Abuse requested an exception from 9 CSR 30-3.190(4)(A) relating to day care licensing in the agency's C-STAR program. The agency seeks an exemption from day care licensing by the Department of Health and Senior Services. The committee first considered the request at its meeting on December 29, 2003. At that time the committee noted that the information presented in the request, and its attachments, was incomplete and sometimes apparently inconsistent. (For details see minutes of the meeting on Dec. 29, 2003.) The committee requested and received additional information. At the meeting on February 6, 2004 the committee noted that the agency had received an exemption from day care requirements from DHSS because the day care is operational only 4 hours a day. However, treatment needs require the day care to be in operation for 8 hours a day and the agency's statement to the committee verified that it is indeed operational for 8 hours a day. The committee denied the request.

February 6, 2004

Nancy Howard
2157 S. Delaware
Springfield, MO 65804

Dear Ms. Howard:

On February 6, 2004, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated January 4, 2004. The committee granted the exception.

Under current statutes, rules and regulations, an exception does not mean that your name has been removed from the DMH disqualification registry. It does mean that, despite being listed on the registry, you are no longer disqualified from employment.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

February 6, 2004

Nancy Schulte
Public Health Manager 2
Post Office Box 570
Jefferson City, MO

RE Nancy Howard
Tracy Linne Miller
Eleanor Washington
Evelyn Thompson

Dear Ms.Schulte:

On February 6, 2004 the Department of Mental Health Exceptions Committee considered the circumstances of the four persons listed above. The committee can affirm that each of these persons is listed on the DMH disqualification registry. As we understand it each of these persons has requested a good cause waiver from the Department of Health and Senior Services. The Department of Mental Health Exceptions Committee makes the following recommendations.

- Nancy Howard – the committee recommends that a good cause waiver be granted.
- Tracy Linne Miller – the committee recommends that a good cause waiver be granted with the following condition. The waiver applies only to Ms. Miller's current employment and does not apply to serving persons who are mentally retarded, developmentally disabled or mentally ill. If Ms. Miller wishes to serve persons who have these diagnoses, it will be necessary for her to reapply for a good cause waiver.
- Eleanor Washington – the committee recommends that the good cause waiver be denied.
- Evelyn Thompson – the committee recommends that the good cause waiver be denied.

If you have any questions regarding this letter please contact me at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

February 6, 2004

Elmer Davis
9309 Bales Dr. #302
Kansas City, MO 64132

Dear Mr. Davis

On February 6, 2004, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated October 22, 2003 and January 16, 2004. The committee reviewed the updated Criminal History Record that you submitted and approved the exception, with the following condition. The exception removes the employment disqualification only with respect to working with persons who have a diagnosis of substance abuse. If you wish to seek employment working with clients having other mental health diagnoses, it will be necessary to reapply to the Exceptions Committee.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

February 6, 2004

Scott Doty, Clinical Director
Gibson Recovery Center, Inc.
1112 Linden St.
P. O. Box 1267
Cape Girardeau, MO 63702-1267

Dear Mr. Doty:

On February 6, 2004 the Department of Mental Health Exceptions Committee reviewed your request for an exception date of January 27, 2004 relating to requirements for accessibility and restrooms. The committee approved the request with the condition that it will be the responsibility of Gibson Recovery Center to arrange transportation to its Perryville office for persons who are disabled and cannot use the Marble Hill site.

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If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely,

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Richard H. Overmann
Exceptions Committee Coordinator

February 6, 2004

Kelly VanVleck
Preferred Family Health Care
900 E. La Harpe St.
P. O. Box 767
Kirksville, MO 63501-0767

Dear Ms. VanVleck:

On February 6, 2004 the Department of Mental Health Exceptions Committee reviewed your request for an exception dated January 21, 2004 regarding Marsha Murphy. The committee approved the request with the condition that the exceptions apply only to clients receiving services for alcohol and drug abuse.

If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

February 6, 2004

Wendy Orson
Comprehensive Health Systems, Inc.
Hwy 61 South & HH
P. O. Box 468
Hannibal, MO 63401

Dear Ms. Orson:

On February 6, 2004, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated January 26, 2004. The committee approved the request and extended your waiver of dishwasher requirements and restroom ventilation until March 1, 2005.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

February 6, 2004

Dennis Winfrey
Reality House Programs, Inc
P.O. Box 1507
Columbia MO 65205
Dear Mr. Winfrey:

On February 6, 2004, the Department of Mental Health Exceptions Committee approved your request for a waiver dated December 4, 2003 with the condition that the exceptions apply only to the Community Shock Program.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

February 6, 2004

Earl Best
Hannibal Council on Alcohol and Drug Abuse
146 Communications Dr.
Hannibal, MO 63401

Dear Mr. Best:

On February 6, 2004, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated December 13, 2003 and January 14, 2004. The committee noted that, in a letter dated May 12, 2003, the Department of Health and Senior Services stated that the day care program would qualify for an exemption because it provides day care for customers and staff for no more than four hours a per day. However, your letter of January 14, 2004 indicates that the day care program is operation for eight hours a day and indeed this schedule is probably necessary to meet the needs of your residential clients. For this reason the committee denied the request.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator